

NORTH DORSET LOCAL PLAN 2011 – 2026 PART 1 EXAMINATION

HEARING STATEMENT

ISSUE 5

Infrastructure Provision including retention of community facilities

March 2015

Question 5.1: What assessment has been undertaken regarding the impact of the proposed development on existing infrastructure, for example roads, schools, community facilities (including sports pitches), health services, utilities and drainage?

- 1.1 The impact of proposed development on existing infrastructure has been assessed in a number of ways, including through:
- technical studies which examine the capacity of existing infrastructure and the implications of future growth. Such studies include: the North and north East Dorset Transport Study (INF009 to INF011); and the Open Space Audit and Assessment of Local Need (INF013);
 - engagement with infrastructure providers notably: Dorset County Council as highway and education authority; NHS England, Clinical Commissioning Groups and local GP surgeries on health services; and Wessex Water on water supply, drainage and sewage treatment works;
 - engagement more widely through: local plan consultations and discussions with communities including town and parish councils and local community partnerships;
 - engagement with developers to take forward proposals for major development, most notably at Gillingham, where a great deal of technical work has been undertaken, particularly on the issue of transport, to inform Policy 21 – Gillingham Strategic Site Allocation (SSA). This more detailed work is underpinned by a more strategic study which examined the growth potential of the town (MTC004).
- 1.2 Assessment of infrastructure needs is an ongoing process and the Council operated a tariff-based system from 1998 to 2011, based on the infrastructure needs identified in the 2003 Local Plan. This approach, the infrastructure required and the sums being sought are set out in the Planning Guidance Note (PGN) on Planning Obligations for the Provision of Community Infrastructure (COD036). The Council no longer collects funds under the terms of the PGN, following the end of the plan period (in 2011), but the work undertaken on infrastructure needs was carried forward into the Local Plan Part 1 (LP 1) and its accompanying Infrastructure Delivery Plan (IDP)(SUD020).
- 1.3 The Council is also producing a whole plan viability assessment, which is not yet available, which will examine infrastructure needs (and the need for affordable housing) to determine whether the plan is viable and to provide recommendations on the level of Community Infrastructure Levy (CIL) payments that should be sought.

Question 5.2: Is it sufficiently clear what infrastructure is required, who is going to fund it and how it relates to the anticipated rate and phasing of development (PPG paragraph 018 under Local Plans)?

- 1.4 Infrastructure delivery, as set out in the IDP (SUD020) details the types of infrastructure required to support development over the plan period. This sets out the anticipated costs (where known) and the delivery agents as well as the timeframes involved. Key items of infrastructure (such as new schools and highway improvements) are already parts of established programmes or will be delivered by way of negotiated Section 106 obligations relating to specific developments. Some elements, such as gas supply, will be provided by the relevant provider when and where needed.
- 1.5 Infrastructure requirements relating specifically to the Gillingham Southern Extension are set out in Policy 21, based on the extensive technical work that has been undertaken to date. This work will be developed further to inform the preparation of a Master Plan Framework, as sought by the policy.
- 1.6 As required by Planning Practice Guidance (ID: 12-006-20140306), the key infrastructure requirements on which delivery of the Plan depends are contained in LP1 itself as well as referenced in the IDP. A broader overview of infrastructure needs, delivery agents and engagement that has been undertaken is set out in the Transportation and Infrastructure Background Papers (INF001 and INF002 respectively).

Question 5.3: Is sufficient advice provided on drainage and flood prevention and does policy 13 achieve the correct balance between detail and flexibility and does it reflect the advice within the Written Ministerial Statement on sustainable drainage systems dated 18th December 2014? Is the threshold of two dwellings (under Drainage and Flood Prevention) justified? Is there a word missing at the start of criteria (a) and (b)?

- 1.7 The strategic approach to flood risk, including the need to apply the sequential and exception tests, is set out in Policy 3 – Climate Change. A cross reference to Policy 13 appears in the supporting text to Policy 13 (in paragraph 7.55). This text focusses on the need to provide sustainable drainage systems (SuDS), which should consider flooding from all sources. More detailed advice on the legislative background is provided in footnote 210 to paragraph 7.55.
- 1.8 The supporting text to Policies 3 and 13 has been amended to reflect the views of the Environment Agency. It is considered that these policies, together with their supporting text (as amended), provide sufficient advice on drainage and flood prevention.

- 1.9 The Minister's Statement of 18 December 2014 (INF015*), which was published after the submission of LP1, states that *“sustainable drainage systems will be provided in new developments wherever this is appropriate”* and that *'this policy will apply to all developments of 10 homes or more and to major commercial development'*.
- 1.10 Policy 13 establishes a threshold of two dwellings, which is based on the provisions of Schedule 3 of the Flood and Water Management Act 2012. This requires the inclusion of sustainable drainage as part of any development of more than one property, as explained in footnote 210.
- 1.11 In the light of the Ministerial Statement, the Council will revise the second paragraph of Policy 13 under 'Drainage and Flood Prevention' to read: *'Sustainable drainage solutions appropriate to the development and underlying ground conditions should be incorporated into all new development of ten dwellings or more and connect with the overall surface water management approach for the area'*.
- 1.12 Some rewording of footnote 210 will also be required.
- 1.13 At the start of criteria (a) and (b) the word 'supporting' should be inserted.

Question 5.4: Are all the components of policy 14 justified?

- 1.14 All the components of Policy 14 are justified as it has been prepared in accordance with the twelfth core principle of Paragraph 17 of the NPPF to *'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'*.
- 1.15 Policy 14 seeks to ensure that the social infrastructure required is planned for positively. As set out in paragraph 7.67 of LP 1 it aims to deliver: education facilities; health services; emergency services; cultural facilities; recreation and sport facilities; and community facilities. It is considered that these components are consistent with the core principle in the twelfth bullet of Paragraph 17 of the NPPF.
- 1.16 The Council consider Policy 14 to be the most appropriate strategy for the District and will work with partners and developers to ensure that the level of social infrastructure across the District is maintained and enhanced through the retention and improvement of existing facilities and new provision, where required.
- 1.17 The consideration of reasonable alternatives, in terms of the components of Policy 14, has been explored through the Infrastructure Background Paper 2013 (INF002). The background paper provides a general overview of infrastructure in North Dorset, summarising the relevant evidence base which informs the policies in LP 1. An overview of how the infrastructure needs of the community have been assessed is also provided in the answer to Q5.1
- 1.18 INF002 explains the role of the IDP and how the many agencies, authorities, bodies and organisations concerned with the provision of infrastructure have been

involved in the preparatory work. It summarises how the issues arising from stakeholder and community consultations have been taken into consideration. It also explains how the November 2012 ‘key issues’ consultation (COD001): specifically sought views on the level of significance that should be assigned to different types of infrastructure; the accuracy in relation to specific projects; and the range of projects that should be included in the IDP (Questions 17-19).

- 1.19 In summary, the Council considers all the components of Policy 14 to be justified as it is the most appropriate strategy in line with national policy, when considered against the reasonable alternatives explored in the Infrastructure Background Paper and is based on proportionate evidence.

Question 5.5: Are the components of ‘green infrastructure’ (Figure 7.1) appropriately identified?

- 1.20 The components of green infrastructure identified in Figure 7.1 of Policy 15 have been derived from the Evidence and Opportunities Study¹ to support the South East Dorset Green Infrastructure Strategy and Natural England’s Green Infrastructure Guidance Note (NE 176). These documents identify different components of green infrastructure which have been used to derive the broad types of green infrastructure in Figure 7.1, which will provide the basis for the forthcoming Green Infrastructure Strategy for North Dorset.
- 1.21 The Components of Green Infrastructure set out in Figure 7.1 are considered to aid in the definition and understanding of the concept in LP1. To this end, they are considered to be appropriately identified.

Question 5.6: Is it appropriate to refer to the Green Infrastructure Strategy in policy 15 when it has not yet been prepared?

- 1.22 The Council are committed to producing a Green Infrastructure Strategy for North Dorset, which will act as a tool to help deliver a multifunctional green infrastructure network that will contribute towards the enhancement of the natural environment. This is particularly important in relation to internationally protected wildlife sites within and adjacent to the District. The Green Infrastructure Strategy will provide a mechanism for achieving a coordinated approach to mitigating any impact on these sites. It also offers opportunities for enhancing the sites through the provision of buffers to and corridors between the sites.
- 1.23 The Green Infrastructure Strategy will inform the production of the Local Plan Part 2 (LP 2) and enable the creation of a strategic network of green infrastructure. If a strategic approach was not employed, the multiple benefits that green infrastructure can deliver may not be realised. The purpose of referring to the

¹ The Evidence and Opportunities Study was prepared by Land Use Consultants to inform the production of the South East Dorset Green Infrastructure Strategy. <https://www.dorsetforyou.com/greeninfrastructure>

green infrastructure strategy in LP 1 is to let stakeholders know what approach the Council is intending to take to give some certainty in the future.

- 1.24 Policy 15 sets out the principles that apply to the provision of green space on and associated with sites and current standards for the provision of certain elements of green infrastructure are outlined in the supporting text. These principles and standards will be used until (and after) the Green Infrastructure Strategy is produced.

Question 5.7: Are all the components of policy 15 justified and is it sufficiently clear what developments would be expected to deliver requirements (i) to (m) and where? Are these requirements reasonable?

- 1.25 A strategic approach to the provision of green infrastructure enables multiple benefits to be realised. For many pieces of green infrastructure, provision needs to be coordinated on a landscape scale rather than at the site level. Examples of such schemes include:
- the continuation of the North Dorset Trailway through the District;
 - the provision of wildlife space and the Stour Valley Way along the River Stour;
 - the provision of buffers to existing designated wildlife sites;
 - aiding in the delivery of the objectives of the AONB management plans; and
 - the provision of sports pitches in the most appropriate location within a town.
- 1.26 To enable the delivery of these larger projects, it is essential to have a strategic and coordinated approach to the delivery of green infrastructure in line with paragraph 114 of the NPPF.
- 1.27 The requirements set out in points (i) to (m) are intended to give an overview of the approach to the delivery of green infrastructure in North Dorset. The approach is designed to offer guidance in the interim period before the Green Infrastructure Strategy is produced and to enable all developments to respond to the Strategy once it is in place.
- 1.28 When development takes place, it is appropriate for it to contribute to the provision of green infrastructure. Individual sites will be able to provide green infrastructure on site however there will be instances where the more strategic projects will need to be considered. The criteria in the policy (points (i) to (m)) will enable such projects to be built in to development proposals at an early stage in their formulation. It will also enable green infrastructure required to support the development of a site to be coordinated with strategic objectives for green infrastructure.
- 1.29 In the absence of the Green Infrastructure Strategy it is considered appropriate to set out the principles of green infrastructure provision to inform the production of neighbourhood plans and also to inform all development proposals. Once the

Strategy is produced, any site specific proposals can be allocated through LP 2 or in neighbourhood plans.

- 1.30 The components of Policy 15 are considered to be the most appropriate given the available evidence with the aim of delivering green infrastructure at a scale greater than the individual development site level. The Council are therefore of the opinion that the approach is justified.

Question 5.8: Are the requirements of policy 27 too onerous? How would the Council determine ‘the importance of the facility to the local community’?

- 1.31 The requirements of Policy 27 follow on from Policy 14 - Social Infrastructure and reflect one of the core planning principles of the NPPF in seeking to *“deliver sufficient community and cultural facilities and services to meet local needs”* (NPPF paragraph 17).
- 1.32 Policy 27 complies with national policy in looking to *“promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”* (NPPF paragraph 28). It also complies with national guidance that expects planning policies to *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”* (NPPF paragraph 70).
- 1.33 In the light of national policy, Policy 27 seeks the retention of commercial premises and guards against their unnecessary loss, by establishing a viability test. It states: *“Development (including the change of use of an existing premises) which involves the loss of a commercial community facility (including a local shop or a public house) will only be permitted if it can be demonstrated that the use is no longer commercially viable or cannot be made commercially viable”*. This test is not considered unduly onerous as it guards against unnecessary closure for non-commercial reasons, whilst also allowing necessary closure for commercial reasons, if non-viability can be demonstrated.
- 1.34 A similar test is applied to non-commercial community facilities, which seeks to prevent loss in circumstances where there is still a need for the facility, either from the existing or an alternative community use. Similarly, this test is not considered to be unduly onerous, given the need in national policy to guard against the unnecessary loss of valued facilities and services.
- 1.35 The importance of a facility to the local community would be assessed in the first instance by examining the expression of local views through community organisations, parish/town councils and local elected members. Levels of usage will provide an indication of the value of a facility to the local community. In addition, the distribution of alternative facilities and accessibility to those facilities will be an

important consideration. The latter is of particular importance in rural areas where public transport provision is limited or non-existent.

- 1.36 Some indication of the importance of local facilities may also be gleaned from responses to the various consultations carried out by the Council during the course of the preparation of the Local Plan, although these will probably only provide a very broad indication of importance.

Question 5.9: How will the Council ensure that appropriate new facilities for recreation and sport will be provided and existing facilities retained? Is it sufficiently clear to a decision-maker what outdoor sports and play space standards should be applied and to which parts of the District?

- 1.37 The supporting text to Policy 15 at paragraph 7.128 states that *'The Council will seek to protect and enhance existing open space, character areas, outdoor sport and recreation facilities and to provide new facilities to support growth'*. This is backed up by point (i) within Policy 15 itself.
- 1.38 In addition to the supporting text at paragraph 7.128, the requirements and standards for the provision of green infrastructure as part of development proposals are set out in the supporting text to the policy at paragraphs 7.136 to 7.143.
- 1.39 Although specific standards are included in the supporting text to the policy, they only give the quantum of space that should be provided for each type of green infrastructure. The approach taken in Policy 15 offers a more flexible approach to the coordinated delivery through the strategic principles set out in parts (i) to (m) of the policy and to be refined in the Green Infrastructure Strategy.
- 1.40 Reference is made in LP1 to the Fields in Trust² standards for the provision of outdoor sports and play space. Within this document, reference is made to standards for urban areas and rural areas. The classification of areas as either urban or rural is based on the DEFRA Rural-Urban Classification. This defines areas as rural if they fall outside of a settlement with a population of greater than 10,000 people. For North Dorset, the rural classification therefore applies to all areas outside of the settlements of Gillingham and Blandford.

Question 5.10: How will the Council ensure that sufficient land is provided for cemeteries and burial grounds (policy 14)?

- 1.41 In the four main towns the Council will work with the relevant Town Council, who are responsible for cemetery provision, to establish the level of need in their area prior to any allocation of land. The Council will agree with the relevant bodies, whether land is allocated through LP 2 or the neighbourhood planning process as

² Planning and Design for Outdoor Sports and Play, Fields in Trust, 2008

all towns are preparing a neighbourhood plan. For all potential sites, detailed surveys will be undertaken to determine the most appropriate location.

- 1.42 Outside the four main towns, the development of cemeteries, whether an extension to an existing site or a new site including natural burial sites, will be allowed in the countryside provided that they meet the identified needs of local communities and accord with the other policies in the Local Plan, including those relating to the landscape, residential amenity and access (as explained in paragraph 7.116 of LP1). Communities engaged in neighbourhood planning may consider cemetery and burial grounds provision and allocate land accordingly but the default position (in paragraph 7.116) is that cemetery and burial grounds are allowed in the countryside.

Question 5.11: Is the Council's approach to allotment provision sufficiently flexible (paragraph 7.139)? Is this supporting text a policy?

- 1.43 The third paragraph of Policy 15 states that '*All elements of green infrastructure should be provided on-site in line with standards of provision set out in the development plan or the Green Infrastructure Strategy...*' This includes the provision of allotments in line with the supporting text in paragraph 7.139.
- 1.44 The approach to the provision of allotments is to meet the demand within towns that will arise from the growth in population. The standard was derived from the current levels of provision in the four main towns and consideration of the waiting lists within those towns. The intention is therefore to seek to provide allotments on development sites at the rate specified relative to the size of the development.
- 1.45 The wording within the supporting text to Policy 15 in relation to allotments, seeks provision where it is practical to do so. Whilst the Council will seek this level of provision, the wording gives some flexibility enabling the Council to accept a level of provision below the standard, if justified. For this reason, it is not specifically written into the policy so that the provision of allotments within a settlement or on a site can be flexible and respond to changing demand. To this extent, the supporting text is not considered to be a policy but provides a flexible approach to the delivery of allotments based upon the size of a development, having regard to local circumstances.